

TAM:MEM:mel

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	No. 1:CV-01-0677
Plaintiff	:	
	:	
v.	:	(Conner, J.)
	:	
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	Filed Electronically
Defendants	:	

DEFENDANTS' BRIEF IN RESPONSE TO
PLAINTIFF'S MOTION FOR ORDER TO PAY COSTS

Plaintiff Emanuel Newman is an inmate who brought a *pro se* *Bivens* action against two Bureau of Prisons' employees. The matter was tried before a jury and a verdict was returned in favor of Newman with a zero damages award. On October 22, 2004, a motion by Newman for an award of costs was granted only to the extent it was unopposed. Specifically, the Clerk of Court was directed to tax against Defendants only those costs relating to the filing and service fees enumerated in Newman's bill of costs, for a total of \$225.00. Due to unexpected and unforeseen delays in the processing of the payment of these costs, Newman has not yet been reimbursed for his costs. However, on February 18, 2005, a money order in the amount of \$225.00 was purchased and is

being forwarded to prison officials at FCI Oxford, Wisconsin, for delivery to Newman. A copy of the money order is attached.

Presently pending before the Court is Newman's "Motion for Order to Pay Cost" requesting the Court to direct defendants to pay the litigation costs within thirty days or pay him interest on the unpaid amount. Newman's motion has been rendered moot in light of defendants' recent action and should therefore be dismissed.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/Mark E. Morrison
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Date: February 18, 2005

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-0677
	:	(Conner, J.)
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	FILED ELECTRONICALLY
Defendants	:	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on February 18, 2005, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman
Reg. No. 13418-039
F.C.I. Oxford
P.O.Box 1000
Oxford, WI 53952-1000

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist